

**CITY OF MINNEAPOLIS  
NUISANCE CONDITION PROCESS REVIEW PANEL**

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**In the matter of the Appeal of  
Director's Order To  
Demolish the Property  
Located at 1655 Thomas Avenue N.  
Minneapolis, Minnesota.**

**FINDINGS OF FACT,  
CONCLUSIONS, AND  
RECOMMENDATION**

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This matter came on for hearing before the Nuisance Condition Process Review Panel on February 9, 2012, in City Council Chambers located in Minneapolis City Hall. Noah Schuchman, chair, presided and other board members present included Patrick Todd, Darrell Washington and Ben Foster. Assistant City Attorney Lee C. Wolf was present as *ex officio* counsel to the board. Kellie Jones represented the Inspections Division. The owner Nancy Slagle was not present at the hearing. Based upon the Board's consideration of the entire record, the Board makes the following:

**FINDINGS OF FACT**

1. 1655 Thomas Avenue N. is a single family home in the Willard-Hay neighborhood. The one-story house was built in 1922. The building is 1,683 square feet and sits on a 5,160 square-foot lot. The building has five rooms, including two bedrooms and one bathroom.
2. The property has been determined to be in substandard condition. The property sustained significant storm damage from a tornado on May 22, 2011. The damage includes but is not limited to: damaged roof, damaged soffits and fascia, damaged windows and a damaged chimney. The building was found boarded on January 3, 2012, and was posted with a letter of intent to condemn for being a boarded building.
3. The City Assessor's Office rates the overall building condition as average minus.

4. On November 10, 2011, a Director's Order to Demolish the property, located at 1655 Thomas Avenue N. was sent to Nancy Slagle based upon the Inspections Division of the City of Minneapolis determination that the property at 1655 Thomas Avenue N. met the definition of a Nuisance under Minneapolis Code of Ordinances (hereinafter "M.C.O.") § 249.30. The applicable sections of M.C.O. § 249.30. provide that *(a) A building within the city shall be deemed a nuisance condition if:*

*(1) It is vacant and unoccupied for the purpose for which it was erected and for which purpose a certificate of occupancy may have been issued, and the building has remained substantially in such condition for a period of at least six (6) months.*

*(2) The building is unfit for occupancy as it fails to meet the minimum standards set out by city ordinances before a certificate of code compliance could be granted, or is unfit for human habitation because it fails to meet the minimum standards set out in the Minneapolis housing maintenance code, or the doors, windows and other openings into the building are boarded up or otherwise secured by a means other than the conventional methods used in the original construction and design of the building, and the building has remained substantially in such condition for a period of at least sixty (60) days.*

*(3) Evidence, including but not limited to neighborhood impact statements, clearly demonstrates that the values of neighborhood properties have diminished as a result of deterioration of the subject building.*

*(4) Evidence, including but not limited to rehab assessments completed by CPED, clearly demonstrates that the cost of rehabilitation is not justified when compared to the after rehabilitation resale value of the building.*

5. On December 13, 2011, the owner, Nancy Slagle, appealed the Director's Order to Demolish and a hearing was set for February 9, 2012.

6. Pursuant to M.C.O. § 249.40(1) the building was examined by the Department of Inspections to ascertain whether the nuisance condition should be ordered for rehabilitation or demolition. Considering the criteria listed in M.C.O. § 249.40(1) the Inspections Department found:

a. The estimated cost to rehabilitate the building is \$63,237.00 to \$92,687.00 based on the MEANS square footage estimate. The assessed value of the property in 2011 was \$68,000.00. The assessed value in 2005 was \$117,500.00. The after rehabilitation value of the property is estimated at \$90,000.00 per the CPED appraiser.

b. The Northside Residents Redevelopment Council and property owners within 350 feet of 1655 Thomas Avenue N. were mailed a request for community impact statements. The Department of Inspections received seven (7) in response. Six of the responses recommended demolition and commented that the property has had a negative impact on the neighborhood, with one statement saying "This property should come down. It is bringing the value of surrounding homes down in value and this property is uninhabitable". One statement recommended repair/renovation, but also commented that the property has had a negative impact on the neighborhood.

c. The Preservation and Design Team staff conducted a historic review of the property finding that the property does not constitute a historic resource and the

demolition permits have been signed and returned to Minneapolis Development Review.

d. The vacant housing rate in the Willard-Hay Neighborhood was around 11.1% in 2010, roughly 334 vacancies in a neighborhood of approximately 3,017 housing units.

7. Based on the condition of the property, the cost to rehabilitate and the after market rehab value the Department recommended that the property should be demolished in order to eliminate the nuisance condition the property constituted.

8. The owner Nancy Slagle stated in her appeal that she has “been getting settled and have been sick. Want to find a way to possibly save the structure. Have few possibilities. Please don’t demolish.”

9. Ms. Slagle did not appear for the hearing on February 9, 2012, and no plan to rehabilitate was presented to Department Staff on Ms. Slagle’s behalf. At this point it does not appear that the owner has a plan or financing in place to rehabilitate the property.

## **CONCLUSIONS**

1. The building located at 1655 Thomas Avenue N. meets the definition of nuisance condition as set forth in M.C.O. § 249.30(a)(1) as the building is vacant and unoccupied for the purpose for which it was erected and the building has remained in such a condition for a period of at least six months.

2. The building located at 1655 Thomas Avenue N. meets the definition of nuisance condition as set forth in M.C.O. § 249.30(a)(2) as the building is unfit for occupancy as it fails to meet the minimum standards set out by city ordinances before a certificate of code compliance could be granted, or is unfit for human habitation because it fails to meet the minimum standards set out in the Minneapolis housing maintenance code, and the doors, windows and other openings into the building are boarded up or otherwise secured by a means other than the conventional methods used in the original construction and design of the building, and the building has remained substantially in such condition for a period of at least sixty (60) days.

3. The building located at 1655 Thomas Avenue N. meets the definition of nuisance condition as set forth in M.C.O. § 249.30(a)(3) as evidence, including but not limited to neighborhood impact statements, clearly demonstrates that the values of neighborhood properties have diminished as a result of deterioration of the subject building.

4. The building located at 1655 Thomas Avenue N. meets the definition of a nuisance condition as set forth in M.C.O. § 249.30(a)(4) as evidence, including but not limited to rehab assessments completed by CPED, clearly demonstrates that the cost of rehabilitation is not justified when compared to the after rehabilitation resale value of the building.

4. The building located at 1655 Thomas Avenue N. meets the definition of a nuisance condition as defined by M.C.O. § 249.30 and a preponderance of the evidence, based upon the criteria listed in M.C.O. § 249.40, demonstrates that the building needs to be razed. The building has been damaged by a tornado in May of 2011, and the owner has done nothing to rehabilitate the home and make the necessary repairs. Since the tornado the building has become vacant and boarded. The owner does not have a plan in place to rehabilitate the property and it appears that the property is going into foreclosure. Unless the property is demolished the

property will continue to be a nuisance in the neighborhood and affect the values of the surrounding properties.

### **RECOMMENDATION**

That the Director of Inspections' Order to Raze the building located at 1655 Thomas Avenue N., Minneapolis, Minnesota, be upheld.

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Noah Schuchman  
Chair,  
Nuisance Condition Process Review Panel